

HOUSE BILL NO. 758

INTRODUCED BY F. NAVE, J. SMALL, S. GALLOWAY, K. SEEKINS-CROWE, M. BINKLEY, M. YAKAWICH,
N. NICOL

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING REQUIREMENTS ON INSURANCE COVERAGE OF CONTINUOUS GLUCOSE MONITORS AND SUPPLIES; AMENDING SECTIONS 2-18-704, 33-22-129, AND 33-35-306, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE AND AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Coverage of glucose monitoring supplies. (1) Each individual disability policy, certificate of insurance, and membership contract that is delivered, issued for delivery, renewed, extended, or modified in this state must provide coverage of continuous glucose monitors and monitor supplies if A PERSON IS DIAGNOSED WITH TYPE I OR TYPE II DIABETES AND a monitor is recommended-DETERMINED MEDICALLY NECESSARY by a-THE INDIVIDUAL'S health care provider AND PRESCRIBED BY THE HEALTH CARE PROVIDER ACTING WITHIN THE SCOPE OF THE PROVIDER'S LICENSE. A policy, certificate, or contract may not condition coverage on the stage of the insured's disease OF DIABETES.

(2) Coverage under this section may be subject to deductibles, coinsurance, and copayment provisions. Special deductible, coinsurance, copayment, or other limitations that are not generally applicable to other medical services covered under the plan may not be imposed on coverage of a continuous glucose monitor.

(3) This section does not apply to disability income, hospital indemnity, medicare supplement, specified disease, or long-term care policies.

Section 2. Section 2-18-704, MCA, is amended to read:

"2-18-704. Mandatory provisions. (1) An insurance contract or plan issued under this part must contain provisions that permit:

(a) the member of a group who retires from active service under the appropriate retirement

1 provisions of a defined benefit plan provided by law or, in the case of the defined contribution plan provided in
2 Title 19, chapter 3, part 21, a member with at least 5 years of service and who is at least age 50 while in
3 covered employment to remain a member of the group until the member becomes eligible for medicare under
4 the federal Health Insurance for the Aged Act, 42 U.S.C. 1395, unless the member is a participant in another
5 group plan with substantially the same or greater benefits at an equivalent cost or unless the member is
6 employed and, by virtue of that employment, is eligible to participate in another group plan with substantially the
7 same or greater benefits at an equivalent cost;

8 (b) the surviving spouse of a member to remain a member of the group as long as the spouse is
9 eligible for retirement benefits accrued by the deceased member as provided by law unless the spouse is
10 eligible for medicare under the federal Health Insurance for the Aged Act or unless the spouse has or is eligible
11 for equivalent insurance coverage as provided in subsection (1)(a);

12 (c) the surviving children of a member to remain members of the group as long as they are eligible
13 for retirement benefits accrued by the deceased member as provided by law unless they have equivalent
14 coverage as provided in subsection (1)(a) or are eligible for insurance coverage by virtue of the employment of
15 a surviving parent or legal guardian.

16 (2) An insurance contract or plan issued under this part must contain the provisions of subsection
17 (1) for remaining a member of the group and also must permit:

18 (a) the spouse of a retired member the same rights as a surviving spouse under subsection (1)(b);

19 (b) the spouse of a retiring member to convert a group policy as provided in 33-22-508; and

20 (c) continued membership in the group by anyone eligible under the provisions of this section,
21 notwithstanding the person's eligibility for medicare under the federal Health Insurance for the Aged Act.

22 (3) (a) A state insurance contract or plan must contain provisions that permit a legislator to remain
23 a member of the state's group plan until the legislator becomes eligible for medicare under the federal Health
24 Insurance for the Aged Act if the legislator:

25 (i) terminates service in the legislature and is a vested member of a state retirement system
26 provided by law; and

27 (ii) notifies the department of administration in writing within 90 days of the end of the legislator's
28 legislative term.

1 (b) A former legislator may not remain a member of the group plan under the provisions of
2 subsection (3)(a) if the person:

3 (i) is a member of a plan with substantially the same or greater benefits at an equivalent cost; or

4 (ii) is employed and, by virtue of that employment, is eligible to participate in another group plan
5 with substantially the same or greater benefits at an equivalent cost.

6 (c) A legislator who remains a member of the group under the provisions of subsection (3)(a) and
7 subsequently terminates membership may not rejoin the group plan unless the person again serves as a
8 legislator.

9 (4) (a) A state insurance contract or plan must contain provisions that permit continued
10 membership in the state's group plan by a member of the judges' retirement system who leaves judicial office
11 but continues to be an inactive vested member of the judges' retirement system as provided by 19-5-301. The
12 judge shall notify the department of administration in writing within 90 days of the end of the judge's judicial
13 service of the judge's choice to continue membership in the group plan.

14 (b) A former judge may not remain a member of the group plan under the provisions of this
15 subsection (4) if the person:

16 (i) is a member of a plan with substantially the same or greater benefits at an equivalent cost;

17 (ii) is employed and, by virtue of that employment, is eligible to participate in another group plan
18 with substantially the same or greater benefits at an equivalent cost; or

19 (iii) becomes eligible for medicare under the federal Health Insurance for the Aged Act.

20 (c) A judge who remains a member of the group under the provisions of this subsection (4) and
21 subsequently terminates membership may not rejoin the group plan unless the person again serves in a
22 position covered by the state's group plan.

23 (5) A person electing to remain a member of the group under subsection (1), (2), (3), or (4) shall
24 pay the full premium for coverage and for that of the person's covered dependents.

25 (6) An insurance contract or plan issued under this part that provides for the dispensing of
26 prescription drugs by an out-of-state mail service pharmacy, as defined in 37-7-702:

27 (a) must permit any member of a group to obtain prescription drugs from a pharmacy located in
28 Montana that is willing to match the price charged to the group or plan and to meet all terms and conditions,

1 including the same professional requirements that are met by the mail service pharmacy for a drug, without
2 financial penalty to the member; and

3 (b) may only be with an out-of-state mail service pharmacy that is registered with the board under
4 Title 37, chapter 7, part 7, and that is registered in this state as a foreign corporation.

5 (7) An insurance contract or plan issued under this part must include coverage for:

6 (a) treatment of inborn errors of metabolism, as provided for in 33-22-131;

7 (b) therapies for Down syndrome, as provided in 33-22-139;

8 (c) treatment for children with hearing loss as provided in 33-22-128(1) and (2);

9 (d) the care and treatment of mental illness in accordance with the provisions of Title 33, chapter
10 22, part 7; and

11 (e) telehealth services, as provided for in 33-22-138.

12 (8) (a) An insurance contract or plan issued under this part that provides coverage for an individual
13 in a member's family must provide coverage for well-child care for children from the moment of birth through 7
14 years of age. Benefits provided under this coverage are exempt from any deductible provision that may be in
15 force in the contract or plan.

16 (b) Coverage for well-child care under subsection (8)(a) must include:

17 (i) a history, physical examination, developmental assessment, anticipatory guidance, and
18 laboratory tests, according to the schedule of visits adopted under the early and periodic screening, diagnosis,
19 and treatment services program provided for in 53-6-101; and

20 (ii) routine immunizations according to the schedule for immunization recommended by the
21 advisory committee on immunization practices of the U.S. department of health and human services.

22 (c) Minimum benefits may be limited to one visit payable to one provider for all of the services
23 provided at each visit as provided for in this subsection (8).

24 (d) For purposes of this subsection (8):

25 (i) "developmental assessment" and "anticipatory guidance" mean the services described in the
26 Guidelines for Health Supervision II, published by the American academy of pediatrics; and

27 (ii) "well-child care" means the services described in subsection (8)(b) and delivered by a
28 physician or a health care professional supervised by a physician.

1 (9) Upon renewal, an insurance contract or plan issued under this part under which coverage of a
2 dependent terminates at a specified age must continue to provide coverage for any dependent, as defined in
3 the insurance contract or plan, until the dependent reaches 26 years of age. For insurance contracts or plans
4 issued under this part, the premium charged for the additional coverage of a dependent, as defined in the
5 insurance contract or plan, may be required to be paid by the insured and not by the employer.

6 (10) Prior to issuance of an insurance contract or plan under this part, written informational
7 materials describing the contract's or plan's cancer screening coverages must be provided to a prospective
8 group or plan member.

9 (11) The state employee group benefit plans and the Montana university system group benefits
10 plans must provide coverage for hospital inpatient care for a period of time as is determined by the attending
11 physician and, in the case of a health maintenance organization, the primary care physician, in consultation
12 with the patient to be medically necessary following a mastectomy, a lumpectomy, or a lymph node dissection
13 for the treatment of breast cancer.

14 (12) (a) The state employee group benefit plans and the Montana university system group benefits
15 plans must provide coverage for outpatient self-management training and education for the treatment of
16 diabetes. Any education must be provided by a licensed health care professional with expertise in diabetes.

17 (b) Coverage must include a \$250 benefit for a person each year for medically necessary and
18 prescribed outpatient self-management training and education for the treatment of diabetes.

19 (c) (i) The state employee group benefit plans and the Montana university system group benefits
20 plans must provide coverage for diabetic equipment and supplies that at a minimum includes insulin, syringes,
21 injection aids, devices for self-monitoring of glucose levels (including those for the visually impaired), test strips,
22 visual reading and urine test strips, one insulin pump for each warranty period, accessories to insulin pumps,
23 one prescriptive oral agent for controlling blood sugar levels for each class of drug approved by the United
24 States food and drug administration, and glucagon emergency kits.

25 (ii) Coverage of continuous glucose monitors and monitor supplies must be provided if
26 recommended IF AN INDIVIDUAL IS DIAGNOSED WITH TYPE I OR TYPE II DIABETES AND A CONTINUOUS GLUCOSE
27 MONITOR IS DETERMINED MEDICALLY NECESSARY by the insured's health care provider AND PRESCRIBED BY THE
28 HEALTH CARE PROVIDER ACTING WITHIN THE SCOPE OF THE PROVIDER'S LICENSE. Coverage may not be limited based

1 on the stage of the insured's disease OF DIABETES.

2 (d) Nothing in subsection (12)(a), (12)(b), or (12)(c) prohibits the state or the Montana university
3 group benefit plans from providing a greater benefit or an alternative benefit of substantially equal value, in
4 which case subsection (12)(a), (12)(b), or (12)(c), as appropriate, does not apply.

5 (e) Annual copayment and deductible provisions are subject to the same terms and conditions
6 applicable to all other covered benefits within a given policy.

7 (f) This subsection (12) does not apply to disability income, hospital indemnity, medicare
8 supplement, accident-only, vision, dental, specific disease, or long-term care policies offered by the state or the
9 Montana university system as benefits to employees, retirees, and their dependents.

10 (13) (a) The state employee group benefit plans and the Montana university system group benefits
11 plans that provide coverage to the spouse or dependents of a peace officer as defined in 45-2-101, a game
12 warden as defined in 19-8-101, a firefighter as defined in 19-13-104, or a volunteer firefighter as defined in 19-
13 17-102 shall renew the coverage of the spouse or dependents if the peace officer, game warden, firefighter, or
14 volunteer firefighter dies within the course and scope of employment. Except as provided in subsection (13)(b),
15 the continuation of the coverage is at the option of the spouse or dependents. Renewals of coverage under this
16 section must provide for the same level of benefits as is available to other members of the group. Premiums
17 charged to a spouse or dependent under this section must be the same as premiums charged to other similarly
18 situated members of the group. Dependent special enrollment must be allowed under the terms of the
19 insurance contract or plan. The provisions of this subsection (13)(a) are applicable to a spouse or dependent
20 who is insured under a COBRA continuation provision.

21 (b) The state employee group benefit plans and the Montana university system group benefits
22 plans subject to the provisions of subsection (13)(a) may discontinue or not renew the coverage of a spouse or
23 dependent only if:

24 (i) the spouse or dependent has failed to pay premiums or contributions in accordance with the
25 terms of the state employee group benefit plans and the Montana university system group benefits plans or if
26 the plans have not received timely premium payments;

27 (ii) the spouse or dependent has performed an act or practice that constitutes fraud or has made
28 an intentional misrepresentation of a material fact under the terms of the coverage; or

1 (iii) the state employee group benefit plans and the Montana university system group benefits
2 plans are ceasing to offer coverage in accordance with applicable state law.

3 (14) The state employee group benefit plans and the Montana university system group benefits
4 plans must comply with the provisions of 33-22-153.

5 (15) An insurance contract or plan issued under this part and a group benefits plan issued by the
6 Montana university system must provide mental health coverage that meets the provisions of Title 33, chapter
7 22, part 7. (See compiler's comments for contingent termination of certain text.)"

8

9 **Section 3.** Section 33-22-129, MCA, is amended to read:

10 **"33-22-129. Coverage for outpatient self-management training and education for treatment of**
11 **diabetes -- limited benefit for medically necessary equipment and supplies.** (1) Each group disability
12 policy, certificate of insurance, and membership contract that is delivered, issued for delivery, renewed,
13 extended, or modified in this state must provide coverage for outpatient self-management training and
14 education for the treatment of diabetes. Any education must be provided by a licensed health care professional
15 with expertise in diabetes.

16 (2) (a) Coverage must include a \$250 benefit for a person each year for medically necessary and
17 prescribed outpatient self-management training and education for the treatment of diabetes.

18 (b) Nothing in subsection (2)(a) prohibits an insurer from providing a greater benefit.

19 (3) (a) Each group disability policy, certificate of insurance, and membership contract that is
20 delivered, issued for delivery, renewed, extended, or modified in this state must provide coverage for diabetic
21 equipment and supplies that is limited to insulin, syringes, injection aids, devices for self-monitoring of glucose
22 levels (including those for the visually impaired), test strips, visual reading and urine test strips, one insulin
23 pump for each warranty period, accessories to insulin pumps, one prescriptive oral agent for controlling blood
24 sugar levels for each class of drug approved by the United States food and drug administration, and glucagon
25 emergency kits.

26 (b) Coverage of continuous glucose monitors and monitor supplies must be provided under this
27 section if recommended IF A PERSON IS DIAGNOSED WITH TYPE I OR TYPE II DIABETES AND A CONTINUOUS GLUCOSE
28 MONITOR IS DETERMINED TO BE MEDICALLY NECESSARY by the insured's health care provider AND PRESCRIBED BY

1 THE HEALTH CARE PROVIDER ACTING WITHIN THE SCOPE OF THE PROVIDER'S LICENSE. A policy, certificate, or contract
2 may not condition coverage on the stage of the insured's disease OF DIABETES.

3 (4) Annual copayment and deductible provisions are subject to the same terms and conditions
4 applicable to all other covered benefits within a given policy.

5 (5) This section does not apply to disability income, hospital indemnity, medicare supplement,
6 accident-only, vision, dental, specific disease, or long-term care policies.

7 (6) (a) This section does not apply to any employee group insurance program of a city, town,
8 county, school district, or other political subdivision of this state that on January 1, 2002, provides substantially
9 equivalent or greater coverage for outpatient self-management training and education for the treatment of
10 diabetes and certain diabetic equipment and supplies provided for in subsection (3).

11 (b) Any employee group insurance program of a city, town, county, school district, or other political
12 subdivision of this state that reduces or discontinues substantially equivalent or greater coverage after January
13 1, 2002, is subject to the provisions of this section."
14

15 **Section 4.** Section 33-35-306, MCA, is amended to read:

16 **"33-35-306. Application of insurance code to arrangements.** (1) In addition to this chapter, self-
17 funded multiple employer welfare arrangements are subject to the following provisions:

18 (a) 33-1-111;

19 (b) Title 33, chapter 1, part 4, but the examination of a self-funded multiple employer welfare
20 arrangement is limited to those matters to which the arrangement is subject to regulation under this chapter;

21 (c) Title 33, chapter 1, part 7;

22 (d) Title 33, chapter 2, parts 23 and 24;

23 (e) 33-3-308;

24 (f) Title 33, chapter 7;

25 (g) Title 33, chapter 18, except 33-18-242;

26 (h) Title 33, chapter 19;

27 (i) 33-22-107, 33-22-128, 33-22-129, 33-22-131, 33-22-134, 33-22-135, 33-22-138, 33-22-139,
28 33-22-141, 33-22-142, 33-22-152, and 33-22-153;

1 (j) 33-22-512, 33-22-515, 33-22-525, and 33-22-526;

2 (k) Title 33, chapter 22, part 7; and

3 (l) 33-22-707.

4 (2) Except as provided in this chapter, other provisions of Title 33 do not apply to a self-funded
5 multiple employer welfare arrangement that has been issued a certificate of authority that has not been
6 revoked."

7
8 **NEW SECTION. Section 5. Codification instruction.** [Section 1] is intended to be codified as an
9 integral part of Title 33, chapter 22, part 3, and the provisions of Title 33, chapter 22, part 3, apply to [section 1].

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11 **NEW SECTION. Section 6. Effective date.** [This act] is effective January 1, 2024.

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13 **NEW SECTION. Section 7. Applicability.** [This act] applies to policies, certificates, and contracts
14 issued or renewed on or after January 1, 2024.

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